GRS 58]

Previous references

1916.
(Mund)

Reserve
for
91 & 96

File No. 84—16

Serial Nos 4, 9, 12, 14, 15 & 16

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 4, 9, 12, 14—16

Part B for July 1918

SUBJECT

Rules & byelaws of the Bangalore City Municipality

Sl 4. From the Hon. President, Bangalore City Mund Council
No 256 Dt 14/1/17

Submits a copy of the revised draft byelaws for regulating the numbering and registering of bicycles, tricycles and Motor Vehicles liable to taxation in the Bangalore City as approved by the Mund Council.

Sl 16 To the President, B. City Mc. Cl.
No. 1317 Dt 20/7/18

Returns the byelaws, with several observations

W D 1351—GPB—20 000—18-12-18

B R Narasimhaiyar 10/2/19

G R S 11] 1916-7

GENERAL AND REVENUE SECRETARIAT

(Jnl)

NOTES

File No 84/16

FILE HEADING

Rules and byelaws of the Bangalore city municp

From

The Honorary President, Bangalore city Jnl

No. 256 Dated 19 V. 17 Received 25-1-17

Diary No 228	Enclos	Spare Copies	Serial No 4

BRIEF ABSTRACT OF LETTER

4S Submits, with reference to this office letter no 3124/Jnl the 20th Nov 1916, a copy of the revised draft byelaws for regulating the numbering and registering of bicycles, tricycles and Motor Vehicles liable to taxation in the Bangalore City as approved by the municipal Council.

NOTES AND ORDERS

Attention is respectfully invited to the notes in paras 1 & 2 of the Office note in Jnl 84-16 Pol-25 Nov 16. The only main revision that has been made in the draft byelaws is that the word receipt has been substituted for license.

NOTES—First Sheet

WD 1923—GPB—60,000—1-19-16—S.

(4)

[G R S III-2]

General and Revenue Secretariat | Inc File No 84 of 1916-7

Serial No

(2) The revised byelaws do not seem to have been published for the information of the public and objections invited probably under the impression that the alterations made are not of an important nature Orders are solicited if the byelaws may be ordered to be republished & objections invited

(3) It is once more submitted the procedure contemplated by the byelaws for the recovery of tax on bicycles ~~tricycles~~ tricycles & motor vehicles is not consistent with the provisions contained in Chapter VIII of the Regn ~~and~~ while sec 48(1) lays down that the byelaws should be framed so as to be consistent with the Regn- Rules for orders

K.P
8/2/17
DE
9/2

(4) for III for favour of opinion on the following points.

(1) whether the substitution of the word "accept" for "issue" complies with the provisions of the Regns

(2) whether the penalty for not obtaining a licence / Bye law 5)

NOTE—Contn sheet

2287 (3)

G R. S 12]

General and Revenue Secretariat | Mil File No. 84 of 1916-7

Serial No

demand 235-16 — SECRETARIAT — GEN. JUDICIAL 13 FEB 1917

to say for and paying the tax due, in accordance with the provisions of the Mil Regns for re-registration of plates (Chap VIII of the Regns) -

10/2-17

Subd.

(5) Clause (gg) of sec 48 of the Mysore Municipal Regn, 1907, gives power to the Municipality to issue bye-laws for the numbering and registration of any motor vehicle, bicycle or tricycle liable to taxation under the Regn." and what is required to be so done under the bye-laws seems to be for providing for registration of the cycle & collecting the tax due thereon and affixing a disc if necessary to show the registration no. Therefore "receipt" seems to have been properly substituted for the word "licence" But the word "numbered" and a disc" after the word receipt" in line 6 and the words "a numbered disc and" between the

NOTE—Contn sheet

WD 1283—GPB—60 000—1 12-16—S.

G R S III 2]

General and Revenue Secretariat | Mil File No 84 of 1916-7

Serial No

word "same" and the word "a" in the second line of ~~Rule~~ bye-law 7 may be inserted and the words "the dies given under ~~Rule~~ bye-law 7" substituted for the words "a dies which can be had free of cost at the office of the collector of Municipal Taxes" in bye-law 7a

~~As regards point 2~~

(b) As regards point 2 re penalty ~~it is provided for in~~ power is given in the last paragraph of clause (1) of section 48 and therefore seems to be legal.

23/1/17

1) It is not clear to what bye laws Clause 10 is intended to apply. The clause must be made specific by mentioning the bye laws to which it is intended that the penalty should be imposed. As the clause is very badly drafted. It is not clear what person can be made liable for breach, but not the breach itself.

Clause 8 also does not appear to be clear. Is it the mere fact of failure to get a receipt that is sought to be punished under it or failure to pay the tax? The last ~~sentence~~ clause (8)

cl 7 imposes the liability on the person to pass a receipt

NOTE—Contn. sheet

WD 1238—GPB—60 600—1 12-16—S.

G R S III-2]

General and Revenue Secretariat

Jpis 1295-16

Jud File No. 84 of 1916-7

Serial No

requires explanation. Is not the receipt intended to be for the whole year? why should the receipt be restricted to the period of default? Clause 76) requires

It seems to me that the byelaws require complete redrafting in the light of observations made above

(9) When the question has been raised whether the special procedure for payment of fees prescribed under the byelaws is not ultra vires in view of the procedure prescribed in chapter VIII for the recovery of vehicle taxes It seems to me that the objection has some force, as the Regulation provides for the collection of fees by special procedure, in chapter VIII The new amendment in S 48 does not appear to authorise the Municipality to frame byelaws so as to supersede the procedure prescribed in chapter VIII for the collection of fees.

(10) It seems to me that the question may again be referred to the Government Advocate for his opinion

Eg 27 2

BW)

11) Submitted for orders as to whether the file may be referred to the Govt Advocate for opinion on the point in para 9

KP 13/7

3/3

Secretary Municipality 6/3/17

12. Noted

208 6/3/17

NOTE—Contn sheet

On the M' Regn, the only prescribed procedure for collecting dues by distraint of movable property for any arrears is under the Municipal byelaws which is a new method viz by complaint before a Court of Law against the Regn

Eg 28/2

2287 (6

WD 1233—GPB—60 000—1 12-16—S.

G R S III-2]

General and Revenue Secretariat | Rl File No 87 of 1916

Serial No

B dp 89 — 9-3-17

13.) Forwarded with Compliments & the favour of Advice in Regard to favour of opinion

by order

Bangalore 9 March 1917

Secy to Govt Rev Dept

No 53 of 16-17

14 With a view to obviate the necessity of further reference I shall note my views not only on the question raised in para 10 of the note, but on the draft bye laws as a whole -

15 The object of amending the Municipal Reg" by the addition of cl (JJ) in Sec 48 is to enable the Municipal Council to frame bye laws in regard to the numbering & registration of Motor vehicles & Cycles so as to minimise as I said before the chances of evasion of the payment of tax due thereon - This object is intended to be achieved by an effective system of numbering & registration whereby the

NOTE—Contn sheet.

G R. S 12]

General and Revenue Secretariat. | Mcl File No. 84 of 1916.

Serial No

fact of the payment of the tax will be apparent on the face of the vehicle itself. If the tax is not paid the vehicle will not be registered in the Municipal Registers & if it is not registered it will bear no number, and if a vehicle without a number moves on the road it is prima-facie evidence that the tax due on it has not been paid. The intent & purpose of the by-laws will therefore be best effectuated by making a few simple rules rendering it obligatory on all owners of Cycles & Motor vehicles to get them registered after payment of the tax to exhibit the numbers given to them on some conspicuous part of the vehicle itself, E.g. on discs in the case of Cycles & on boards in the case of Motor vehicles, and to impose a penalty for non-Compliance

16 In this view of the matter the by-laws framed by the Muni

tn. sheet

G R. S 12]

General and Revenue Secretariat. | Mdl File No. 84 of 1916.

Serial No

Council seem to require radical change

17 Speaking generally about the byelaws I may say that in view of Chap VIII for the recovery of Municipal dues the Special procedure now proposed for recovering motor and Cycle taxes seems not only to go beyond the scope of sec 48 (JJ) but to be repugnant to the other provisions of the Regn as pointed out above

18 Dealing with the byelaws in particular I am of opinion that the definition of "owner" is so vague that a person in charge may include a servant or a repairer. That could not obviously have been intended.

Byelaw (1) - Inapplicable under sec 48 (JJ) - Proper as pointed out in the office notes & under sec 46 (i) & provision has already been made in the

—Contn sheet

G. R. S 12]

General and Revenue Secretariat. | Mk. File No. 84 of 1916.

Serial No.	
	Rules framed under that section
	2 & 2(a) - seem to clash with bye-law no (1) framed under sec 48(J) & the form appended thereto - vide pp 30 & 31 of the Rules & Byelaws framed by the Bangalore City Municipal Council.
	2(b) - unnecessary - 46(i) provides for it
	3, 4 & 5. Unnecessary - further the person liable to furnish information may be prosecuted for infringement of the bye-laws. Mere non-compliance cannot involve liability to immediate payment of the tax.
	6 - out of place - Provision has been made in the 4th relative place - see Rule 2 para 30 of the Rules & Byelaws
	7. Unnecessary as sec 87 of the Regulation provides for receipts being given for all payments.
	8. This is hardly fair to the tax payer. The onus

cntn sheet

GPS—70,000—17 12-15

G R. S 12]

General and Revenue Secretariat | Mul. File No. 84 of 191 .

Serial No

of giving a receipt is cast by the Reg" on the Municipal Council + the by-laws framed is aimed to make penal the omission to obtain a receipt by the owner

8 (a). out of place in the light of remarks made in respect of (7) + (8).

9 + 9(a). I am not in favour of the word "receipt" being used in these + other by-laws framed under Sec 48 (JJ) - as in the case of Cycles a disc containing the registn number is given to the owner and it is required to be shown on the Cycle itself, so a board showing the registn no of the Motor vehicle may be required to be exhibited on the Car itself

10. The language is not apt

19. In these circumstances the by-laws require redrafting through

5.4.1917

Forwarded for [illegible]

NOTE—Contn sheet

GPB—70 000—17 12 15

WD 1288—GPB—60 000—1 12-16—S.

11

G R S III 2]

D 2287

General and Revenue Secretariat | Mund File No 84 of 1916

	Serial No.	
Sanction under 5 days rule taken for delay in subm after cost		20 For orders with a draft letter in a with paras 7 & 14 to 19.
		21 The draft is in accordance with the suggestions made by the Govt. as such may therefore be approved 5/6/17
		Revised
12/1 7 6 17		22 2nd member 23. 4/6 7 6 17
		24 Issue 4/6
	9	Letter No 7885 d 13 6 17 to Ch-P Bangalore cf Chel cl Returns the revised Bye-laws for further revision on the lines suggested
	10	From the same Officer No 192 d 10/12 Jany 1918 Resubmits draft byelaws for regulating numbering and registration of bycycles duly revised as instructed above
		25. A copy of the draft returned with 8/9 is not sent
		A draft-letter is subd 26/2/18 26

NOTE—Contn sheet

WD 1283—GP 000—1 12-16—S.

12

G R S III 2]

General and Revenue Secretariat | Ml File No 84 of 1916

Serial No	
14	To the President, Mun^l Council, Bangalore City No 4878 dy 2 3 18 Regrets that a copy of the draft bye-law returned with 8^l q may be forwarded for reference
15	From the Same Officer No 267 dy 15th/18th March 1918 Forwards a copy of the bye-law above required
PUD2	27 The revised bye-law now received with 8^l 10 requires further examination and scrutiny in the light of the Govt Advocate's opinion in para 15 above & of the discussions contained in (1) Ml File 60-12 8^l 5, 8, 9, 11, 13, 15 & 30 (2) Ml 296-12 8^l 2 (3) Ml 296-12 8^l 3 & (4) 84-16 8^l 1 & 2.
Flag U S	(Flag V) (Flag T)
93 not thanks.	28 The present bye-law which ×materially differs from the one published with notice No 4214 dy 17th June 1916 does not appear to have been published in the Gazette and the criticisms invited.
Yes This is so	29 ~~The results of observing~~ In the first place the heading of the bye-law does not appear to be correct if it is to be the one framed under Sec 48(yy) of the Mun^l Regⁿ This clause empowers the Mun^l Council to frame bye-laws for numbering and registration of motor vehicles, bicycle or tricycle but not

NOTE—Contn sheet

Serial No

for legislating the levy of taxes which is provided for in sec 46(3) of the Act.

Secondly, para 1 provides for payment of taxes on bicycle use which is already provided for in para 1 of the bye-law under sec 46(1) (vide p 42 of the Bangalore City Bye-laws book) Such a provision is not within the scope of sec 46(3). It is for consideration whether para 1 is legally operative and not inconsistent.

Thirdly, para 2 provides for the Municipal Council obtaining information with regard to motor vehicles & bicycles which the Bye-law under sec 46(3) at pp 30 & 31 of the bye-laws' book empowers the Municipal Council to obtain such information. Para 2 is therefore inconsistent with the existing bye-law.

Fourthly, para 3 is not clear An alternative para as below is suggested for ascertaining the intentions of the Municipal Councils.

The owners of all bicycles and tricycles * "for which the prescribed taxes have been paid "in the office of the City Municipal Office shall, on applica- "tion, within a date to be notified, to the President "Municipal Council or other Officer deputed by him "for the purpose, be registered and numbered "serially in the City Municipal Office and provided "with a disc free of cost at the Office of the

* Include motor vehicles also

Note—Contn. sheet.

Again a repetition of the observation of the Asst-advocate

Expect the Asst advocate already pointed out this in writing

General and Revenue Secretariat | Mt File No. 84 of 1916

Serial No

"Collector of the Municipal taxes, which should be affixed in a conspicuous part of the machine"

Fifthly, paras 4 & 5 also are not sufficiently clear. An alternative draft is suggested

4 "Every owner who has been registered, numbered and provided with a disc as above shall at all times affix the disc to a conspicuous part of the machine or produce the disc on requisition by the President, Vice President, Collector of taxes, Public Conveyance Inspector or any person authorised in this behalf to demand its production

5 Every owner having the charge of any vehicle of the above nature liable to taxation, who fails to get himself registered numbered and provided with a disc in due time, shall [illegible] be liable to a fine not exceeding Rs 50 and to a further fine which may extend to Rs 5 for every day after such conviction during which the infringement continues"

Sixthly, for the purpose of the present bye-laws the word "receipt" is not material in para 6 — and may if approved be deleted

Seventhly, para 7 requires alteration as follows — "If a bicycle or tricycle for which the owner has got himself registered, numbered & provided with a disc changes hands &

NOTE—Contn sheet.

General and Revenue Secretariat | Mk File No. 84 of 1916

Serial No

to some person residing within the limits of the Bangalore City Municipality the transferee may soon after obtaining possession by application as aforesaid cause necessary alteration being effected in the books of the Municipal office and may obtain on payment a dise for the remaining period if he has not possessed himself with the original disc issued to the owner.

Eighthly this para appears to be superfluous as the penal provision for this bye-law is made in para 6

Ninthly. No remarks on para 9 & 10

30. In the adjoining C & M Station Municipality the Municipal Law empowers the Commrs in Sec 137 (1) — (e) — IX (exactly same as Sec 189 (f) of the Municipal Regn) to frame bye-laws with regard to matters dealt with in this file The only bye-law which the Commrs have framed under this power has reference to motor vehicles

31 In this connection attention is also invited to the Station Municipal bye-laws (at p 14 of the station bye-laws' book) according to which the President is authorised to issue a license for a vehicle in respect for which the prescribed tax has been paid —

But what has this to do with to permit persons —

NOTE—Contn. sheet.

WD A 1769—GPB—60,000—20-8-18—S.

G R S III-2]

D 2303

General and Revenue Secretariat | Mdl File No. 84 of 1916.

Serial No

also to the following rule —

All vehicles (motor), bicycles & tricycles licensed as above shall have a number affixed thereto. Such number shall be registered in the Municipal Office & Every person failing to get the number affixed to his vehicle shall be liable to pay a fine not exceeding Rs 5.

Flag J

32 Issue of a license is stated to be opposed to the Mysore Municipal Regn

Sanction under 5 (1) (j) is necessary (Flag J)

33 Govt advocate will, if approved, be consulted unofficially

21/5/18 34 Please put up a copy of the Madras relevant Corporation rule in this connection. The Bombay Town rule may also be put up if available.

31/5

35 Madras & Bombay Corporation Rules are put up. Please see rule 387 on page 205 of the Madras Corporation Code & in the Bombay rules the detailed rules on the subject are not given but please see pages 29, 35 & 57 thereof. (F.)

4/6/18

4/6/18 36 I have gone through the papers fairly carefully and compared the bye-laws now submitted with those originally sent

Note—Contn. sheet.

WD A 1752-16 PE—60,000—20-3-18—S.

G R S III-2]

General and Revenue Secretariat | Mil File No. 84 of 1916

Serial No

wf - The byelaws now submitted are still far from being in accordance with the law in the matter. Except for a few minor changes and some omissions the original byelaws do not appear to have undergone the thorough revision contemplated in the note of the Govt. Advocate above 3) The purpose of sec 46 cl (yy) is clearly indicated there and any rules or byelaws framed thereunder which are inconsistent with that clause or repugnant to the other provisions of the Act would be 'ultra vires' Now under cl (yy) byelaws can only be framed for numbering and registering certain classes of vehicles That clause does not give power to regulate the convey or mode of convey of persons in vehicles There

4) There is no doubt that byelaws framed under sec 46 (1) in respect of the levy and recovery of taxes have much room for improvement both as regards general taxation as well as regards the Special tax on vehicles The remedy for this is to revise these byelaws and not suggest a separate set of byelaws under a section the purpose of which is provided. Govt

5) A few Sample rules on the lines indicated in the Memo noted above, (much of which it may

NOTE—Contn. sheet.

WD △ 1758—GPE—60,000—20-9-16—S.

7203

G. R. S. III-2]

General and Revenue Secretariat | File No. 84 of 1916

Serial No.	
	be mentioned as unnecessary and redundant) is perhaps all that is necessary in a case like this
(3)	I do not think there is any further necessity to consult the Govt advocate whose views are quite clear - The Md Council do not seem to have paid sufficient attention to the spirit of the remarks made by Govt in letter No 7585/84-16-9 dd 13 6 17 returning the original bylaws
(4)	The following courses of action are therefore submitted for a decision (1) Either the bylaws may be returned to the Md Council once again for revision in view of the various defects noticeable in them, or (2) a few simple rules may be drawn up here and forwarded to the Md Council for consideration and submission BK 8 6 18
Rules (a)	(4a) It is better the draft rule come up from the Md. Council itself Suggestion (2) may be adopted - Dey 12 6 18
(4b) 2nd alternative	I agree with the above MS
(4c)	Please put up a clear draft MS PT 8

Note—Contin. sheet

WTD A 1759—GIPE—60,000—20-5 18—5.

G R S III 2]

General and Revenue Secretariat

Mil File No. 84 of 1916

19

Serial No	
	45 A draft letter as directed is put up AHM 22/7/18 46 for appr ann 13/7/18
	47 Please see minute Kept Put up a clean copy - Early - MK 15/7/18
	48 A revised draft is subt AHM 13/7/18 ann 15/7/18 49 for perusal before issue MK 16/7/18
	Revised) 50 hm 18/7/18 51 Issue MK 18/7
16	To The Presdt B. City Mukd No 1317 dt 20/7/18 Returns Mr bye laws refd to in Sl 45 with several observations

Note—Contin. sheet

D 2257

No

Enclo

OFFICE OF THE PRESIDENT, MUNICIPAL COUNCIL,

Bangalore City, dated 19th January 191 7

From

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Departments, Bangalore

SIR,

With reference to your letter No 3124/Ml 84-16-2 dated the 20th November 1916 directing that the draft bye-laws for keeping motor vehicles, bicycles and tricycles be reconsidered in the light of the remarks of the Government Advocate, I have the honor to submit herewith for the information and orders of Government, copy of the revised draft bye-laws as altered in conformity with the Government Advocate's remarks and approved by the Managing Committee and by the Municipal Council at their meeting of the 6th January 1917

2 A copy of the Council's resolution is herewith submitted for information

I have the honor to be,
Sir,
Your most obedient servant,

Honorary President

C R G.

1916 – 17

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Dated 9th } January 917
Despatched 22nd }

Received

General No 256.

No

Enclosure No Three (2)

Submitting the revised draft bye laws for regulating the numbering and registering of Bicycles and Motor Vehicles as altered in Conformity with the Government Orders remarks.

GPB—50,000—26-9-12

Bangalore City Municipality.

No. 21.

Proceedings of an ordinary general meeting of the City Municipal Council, Bangalore, held in the Council Chamber, City Municipal Office on Saturday the 6th January 1917 at 7-30 A.M.

P r e s e n t .

1. De an Bahadur Rajasabhabhushana K.P. Puttanna Chetty, Esquire, Honorary President.
2. R. Subba Rao, Esq., M.B. & C.M. L.S.Sc., Vice President.
3. F. Fernandes, Esq., L.R.C.P. & S., L.F.P. & S., Health Officer
4. C.V. Narasimhiengar, Esq., B.A., B.L.,
5. Father F.I. Briand.
6. R. Chinnaswamy Chetty, Esq.,
7. C. Thavayya Esq., F.A., B.L.,
8. N. Murappa Esq.,
9. P. Usman Khan, Esq.,
10. B.V. Ramaswamy Chetty Esq. B.A.,
11. M. Subbayya, Esq., B.A.,
12. H. Ramaiya Esq.,
13. D. Venkatramaiah Esq. B.A.,

A b s e n t .

1. Rev. T.A. Pegg.
2. T.B. Ramachandra Mudaliar, Esq.
3. T.K. Garuda Char Esq.,
4. T.V. Gundappa Esq.,
5. Ramachendra Rao Sindhe, Esq.
6. D. Adeppa, Esq.,
7. G.Siddaveerappa Esq.,
8. M. Abbas Khan Esq.,
9. S. Venkatrama Iyer Esq., B.A.,
10. T.K.Krishnamurti Rao Esq.,
11. S.Venkatrangiengar, Esq.,

17 Revenue Secretary's letter No 3124/M1 84-16-2 dated the 20th November 1916, passing orders in regard to the draft bye-laws for keeping motor vehicles, bicycles and tricycles and directing that they may be reconsidered in the light of the remarks of the Government Advocate

Also opinion of the Managing Committee on the subject.

Resolution:- The draft bye-law as approved by the Managing Committee is passed The Municipal Council agree that the

Proceedings of an adjourned General meeting of the City Municipal Council, Bangalore, held in the Council Chamber, City Municipal Office on Saturday the 16th Dec 1917.

Present.

The Hon'ble Mr. Rajah Sir Muttaya Chetty, Kt. C.I.E. President.

Honorary Councillors.

The Hon'ble Mr. [illegible] Esq. C.I.E. Vice President.

Mr. [illegible] Esq. C.I.E. Chief Officer.

Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.

Absent.

Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.
Mr. [illegible] Esq.

7 Revised bye-laws for regulating the numbering and registering of bicycles and motor vehicles liable to Municipal taxation: Resolution.- Approved. The bye-laws may be called "Revised bye-laws for regulating the levy of taxes on bicycles, tricycles and motor vehicles in the Bangalore City Municipality.

* C O P Y *

For Hon President.

3 copies

23

G R S VI—G/32]

SUBJECT Draft bye laws for numbering & registration bicycles reg. under Sec 48 (ff) of Mund Regs

Diary No of letter replied to 2287

S

Section Ml
File No 84-16
Serial No

GENERAL AND REVENUE SECRETARIAT
(IV)
, the 191

No 7665
Mul 84-16-9
dt 13.6.17

Date of issue 15.6.17

Signed by for B. J. Kesava Iyengar

To

The President,
Mund Council,
Bangalore city

Sir,

With reference to your letter no 256 dt 19th Jany 1917 re the revised draft byelaws for regulating the numbering and registering of bicycles &c, I am directed to state that the object of clause ff to section 48 of Mund Regs is to minimise the chances of evasion of payment of tax due on

over

such bicycles & to keep an effective system of numbering and registering them and that the revised draft bye-laws under reference require further revision for the following reasons -

(i) The definition of 'Owner' in bye-law 1 has to be made clear so as not to include a servant or agent.

(ii) Bye laws nos 2 & 25 clash with bye law no 1 framed under Section 48(j) of the form appended thereto. (Vide pp 30 & 31 of the City Manual of bye laws)

(iii) Bye law no 2 (b) is unnecessary as the bye laws under sec 46(4) provide for the ~~bye laws~~ provisions contemplated

(iv) Bye laws 3, 4, 5 are unnecessary further the person liable to furnish information may be prosecuted for the infringement of the bye-law. Mere non compliance cannot involve liability to immediate payment of the tax

(v) Bye law 6 is out of place here as provision has been made in the appropriate place Vide Bye law 2 of those issued under Sec 48(j) - p 30.

(vi) Bye law 7 is unnecessary as Sec 89 answers the purpose

(vii) Bye laws 7 b & 7 d are unnecessary.

List of enclosures

Copied by

Examined by

W D&S—GPB—60 000—15-11 16

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

(viii) Bye-laws is hardly fair to the taxpayer. The onus of giving a receipt is cast by the Regn on the Municipal Council & the bye-law framed is aimed to make the omission to obtain a receipt by the owner.

(ix) Bye-law 8a is out of place here for reasons given in clauses (vi) & (viii) above.

(x) Bye-laws 9 & 9a. The word 'receipt' contained in these & other bye-laws under Sec 48 appear not suitable, as in the case of cycles a disc containing the reg^d number is given to the owner and it is required to be shewn on the cycle itself, so a board shewing the registn no. of the motor vehicle may be required to be exhibited on the car itself.

(xi) Bye-law no 10. The language used is not apt. It is only the person that can be made liable for breach but not the breach itself. Further this clause must be made specific by mentioning the bye-laws the infringement of which entails the penalty.

2. I am therefore desired to request you to have the matter thoroughly reexamined & to resubmit the necessary corrections & same with the opinion of the Municipal Council, and the Higher Courts.

4/6

I have seen

20/5/17

GPE—30 000—7 7 14

26

B M 109]

Qual 84-16-12

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED 10-1- 1918

FROM

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ, C.I.E.,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~General~~ Revenue Department,
Bangalore

SIR,

With reference to your letter No. 7885/M1 84-16-9 dated the 13th June 1917, I have the honor to re-submit herewith the draft bye-laws for regulating the numbering and registering of bicycles &c duly revised in the light of the observations made in the above letter, together with a copy of the Municipal Council's resolution dated the 15th December 1917 approving of the same.

I have the honor to be,
Sir,
Your most obedient servant,
K P Puttannachetty
Honorary President.

C.R G.

G.P.B.—3 000—20-8-17

1917-18

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Enclosures returned herewith
pl. 16
22/1/18

Dated 10th
Despatched 12th } January 1918
Received
General No 192 . 15 JAN 1918
No

REF. 3344

Enclosure No 2

Resubmitting the draft bye-Laws for regulating the numbering and registering of bicycles etc duly revised in the light of the observations made in Govt order no: 7885/mel 81-16-9 dated 13th June 1917

G R S V1—1/3—G/32]

SUBJECT

Diary No of letter replied to 1633

GENERAL AND REVENUE SECRETARIAT

(IV)

, the *191*

Date of issue

Signed by B J Keshavayya

Mul Section

File No 84-16

Serial No 14

No 4878

Mul 84-16

To

The President,

Mysore Lacquer,

Bangalore City

Sir,

With reference to your letter no. 192 dt 10th/12th January 1917, I am directed to request you to be good as to forward for a copy of the draft bye-law returned with letter no 788 Mul 84-16 dt 13 & 17

I have &c

for

VW Rao

over

J 2305

B M. 109 Mel 80-11-15

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED 15th March 1918.

FROM

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, Esq, C.I.E.,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~General and~~ Revenue Department,
Bangalore

Sir,

As called for in your letter No.4878/Ml.84-16-14 dated the 2nd instant, I have the honor to forward herewith a copy of draft bye-laws for regulating the numbering and registering of bicycles etc, returned with your letter No.7885/Ml.84-16-9 dated 13th June 1917.

I have the honour to be,
Sir,
Your most obedient servant,

K P Puttanna Chetty
Honorary President.

P.C.C.

GPB—5,000—20-3-13

1917-18

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Dated 15th
Despatched 18th } March 1918
Received 19 MAR 1918

General No 2671 / 11213
No

Enclosure No One

Submitting copy of the draft bye-laws for regulating the numbering and registering of bicycles etc

Received 20/3/18

BANGALORE CITY MUNICIPALITY

Notice No 4214, *dated* 17*th June* 1916

The Municipal Council, Bangalore City, having at their meeting held on the 6th June 1916, approved the undermentioned draft bye laws, the same are published for general information The proposed bye laws will supersede all previous ones bearing on the subject

2 Objections or suggestions in respect thereof, received within one month from the date of publication of this notice, will be considered by the Council

Draft bye-laws framed under Section 48, clause (jj) of the Mysore Municipal Regulation, VII of 1906 as amended by Regulation VIII of 1915 for regulating the numbering and registering of bicycles and tricycles and motor vehicles liable to Municipal taxation in the Bangalore City

"Owner shall include any person, who is in charge of the above vehicle or vehicles

1 The tax on the above said vehicles specified in Schedule 1 hereto attached, at the rates mentioned therein, shall be payable yearly in advance commencing from 1st July and shall become due on the expiration of thirty days from the commencement of each year or, in the case of any such vehicle newly come into the possession of a person, on the expiration of 30 days from the date of such possession

2 The owner or person in charge of a vehicle liable to the tax, shall, before the tax becomes due, forward to the Municipal Office a statement in writing signed by him in the form set forth in Schedule 2, and containing a correct description of the vehicles owned by him or in his charge and liable to the tax

2*a* Forms of the statement will be provided on application to the Municipal Office

2*b* Cases of exemption from payment of the tax under these bye laws are given in Schedule (A) annexed

3 The President or any person authorised by him may send to any person, supposed to be liable to the payment of the tax, a form, as set forth in Schedule 2, to be filled up with the required information respecting the vehicles owned or kept in his charge

4 Such forms shall be filled up signed, dated and returned within one week of its receipt to the Municipal Office by the person to whom it has been sent

5 If any person to whom a form has been sent under Rule 3 omits, within one week of its receipt, to fill up, date, sign and return it to the Municipal Office, the President may cause to be sent to such person a bill for the amount of tax to which such person is believed to be liable, and the amount stated in such bill shall be paid at once to the Municipal Office or to the person who presents the same

6 The President or the Vice-President or any person authorised by him in writing in this behalf may at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle liable to taxation under these bye laws for which a license has not been duly taken out for for verifying the statement, made under Rule 3

7 On receiving the amount of the tax payable for any vehicle, the President or some person duly authorised by him in that behalf, shall give to the person paying the same a licence for such vehicle for the period in respect of which such tax was due

7*a* All bicycles and tricycles which have been licensed as above in the City Municipality, shall have a disc, which can be had free of cost at the Office of the Collector of Municipal Taxes affixed in a conspicuous part of the machine

7*b* Every person failing to get the disc so obtained affixed to a bicycle or tricycle as enjoined above shall be liable to a fine not exceeding Rs 5 each time

7*c* Every person who has received such license or disc shall, at all reasonable times during the said period, produce such license or disc when required to do so by the President or the Vice President, Collector of Taxes, Public Conveyance Inspector or any person authorised in this behalf to demand its production

7*d* Every person failing to comply with such requisition or making an incorrect return or causing obstruction shall be liable to a fine not exceeding Rs 5 for each time

8 Every owner or person, having the charge of any vehicle of the above nature liable to tax who omits to obtain license shall be liable to a fine not exceeding Rs 50 and shall also pay the amount of the tax payable by him in respect of such vehicle or vehicles

8*a* On payment of the said fine and tax as aforesaid, such owner or person shall receive a license or disc immediately for the vehicles in respect of which he has been fined, and for the period during which he has been in default

9 Each ~~license~~ issued as above covers the particular vehicle specified in it and cannot be transferred to any other vehicle

9a If the vehicle covered by the license changes hands to some person residing within the limits of the Bangalore City Municipality, the licensee shall present an application to the President or any one authorised in this behalf notifying the same The President shall cause the necessary entries to be made in the register of licenses and grant an endorsement to the transferee to that effect

10 Breach of any of these bye-laws or license conditions shall be liable to a fine not exceeding Rs 50 and to a further fine which may extend to Rs 5 for every day after such conviction during which the breach continues

11 Any person detecting persons who infringe these bye laws shall be paid a reward, by the Magistrate, of half the amount of fine imposed for the offence

12 All prosecutions under the above bye-laws may be instituted by a person authorised by the President or the Vice-President in this behalf

SCHEDULE 1

		Rs
1	For every motor car under 15 cwts yearly	18
2	Do above do	36
3	For every motor cycle with side car	15
4	Do without do	10
5	For bicycle, tricycle or automotor	3

SCHEDULE 2

To

Division

You are hereby required to fill in writing in the form given below, all the vehicle or vehicles owned or kept in your charge, within a week from the date of receipt of this notice under these bye-laws, failing which, you will be liable to prosecution

Collector

Municipal Office, *Dated* } Inspector

To

The President,

City Municipal Council,

Bangalore

True returns furnished by Mr under vehicle license bye laws of the Bangalore City Municipality framed under Section 48 (1) jj of the Mysore Municipal Regulation VII of 1906 as amended by Regulation VIII of 1915 for the year ending 191

The only conveyance (s) in respect of which I am liable to taxation under Schedule 1 are as follows —

	Rate	Number in possession	Total
	Rs		
Motor car 15 cwts and under	18		
Do 18 cwts and above	36		
Motor cycle with side car	15		
Do without do	10		
Bicycles, tricycles or automotors	3		
Total			

Description

No	Description of machine	Name of maker	Number of the machine	Previous license No	Place in which vehicle is kept
1	2	3	4	5	6

Keep at residence No Street Division

I hereby certify that I have in my possession the vehicle of the description set forth in and no other vehicle liable to tax under Schedule 1

Signature

Dated

Residence No Street

Condition receipt on payment of the tax Reason-

Any person in possession of a vehicle without a license will be subjected to a penalty not exceeding Rs 50 in addition to the tax, in case of his omitting to fill in the form given all the vehicles owned or kept in his charge within one week from the date of receipt of this notice or making an incorrect statement in respect thereto

SCHEDULE (A)

(*a*) Vehicles belonging to His Highness the Maharaja
(*b*) Do do Yuvaraja
(*c*) Vehicles the property of Government, unless Government consents to the levy of the tax
(*d*) Vehicles belonging to Municipality
(*e*) Juvenile vehicles, such as perambulators, etc
(*f*) Vehicles kept by carriage builders or dealers, solely for sale
(*g*) Conveyances in transit or staying within Municipal limits not longer than 30 days in any half year
(*h*) Vehicles belonging to members of the City Police and Officers of the City Municipality employed on outdoor duties Provided that not more than one vehicle shall be exempted without the special permission of the Municipal Council
(*i*) Vehicles belonging to public conveyance Proprietors

K P PUTTANNA CHETTY,
Honorary President

For Honorary President

4 1917

Tuly draft

3

G R S VI—G/32]

SUBJECT Bye laws for numbering and registration of Motor vehicles in the Bangalore City

Diary No of letter replied to D.2303

GENERAL AND REVENUE SECRETARIAT,
( )
, the 191

Date of issue 26.7.18

Signed by Mr B T Kavanna Esqr

Section
File No 84 Dr
Serial No 16

C.1
No 1317
ml 84-16-18 820.7.18

To
The President,
Munl Council,
Bangalore City.

Sir,

With reference to correspondence ending with your letter no 267 3 15th/18th March 1918 on the subject of draft bye laws for regulating the numbering and registering of bicycles & Motor Vehicles under Sec 46 (3) (a) of the Munl Regn 1906, I am directed to return the bye laws submitted by the Munl Council with the following

over

33

Observations—

(1) The object of Amending the Mund Regn by the addition of clause (j) to Sec 43 was to enable the Mund Council to frame bylaws in regard to the Numbering and registration of bicycles, Motor Vehicles &c &c as to minimise the chances of evasion of the payment of the tax due thereon. This object is intended to be attained by an effective system of numbering and registration whereby the fact of payment of the tax will be apparent on the face of the Vehicle itself. The intent and purposes of the bylaws will therefore be best fulfilled by making a few simple rules rendering it obligatory on all owners of cycles and motor vehicles to get them registered after the payment of the tax the fact of such registration being duly stamped on the vehicle in such manner as the Mund Council may deem fit. In this view of the matter it will be seen

List of enclosure

Copied by

Examined by

W.D. 35—GPB—60,000—15-11 16

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

that the byelaws now submitted for sanction require radical change -

(2) ~~Speaking generally~~ Next, about the byelaws generally it is observed that in view of Chap VIII for the recovery of Municipal dues the special procedure now proposed for recovery motor cycle taxes not only goes beyond the scope of sec 48(yy) but is repugnant to the other provisions of the Regn

(3) As regards the several byelaws themselves the following points call for notice

(a) The heading of the proposed draft byelaws is inconsistent with the wording of sec 48(yy)

(b) Byelaw No 1 is inconsistent with the byelaws sanctioned under sec 46(1) Vide pgs 42-51 of the Compilation of the Bangalore City Municipal byelaws

(c) Byelaw No 2 is inconsistent

GPE—30 CIO—7-7 14

with those issued under Sec 48(h)

Vide pp 30-32, ibid.

(d) Sec 48(j) does not empower the Municipal Council to frame bylaws for regulating the recovery or the mode of recovery of taxes on vehicles.

2 In these circumstances I am to request you to be so good as to redraft the bylaws ~~submitted~~ in the light of the observations made above and submit a simple set of rules consistent with Sec 48(j) for the approval of Govt

3 I am also to add that the all the formalities prescribed for the passing of ~~as~~ bylaws ~~because~~ laws have again to be observed before the fresh set of bylaws are sub? to Govt

18/7/18

18/7/18 18/7 Received